

REMARKS

Claims 1-8, 10-16, 18-20 and 23 are pending in the application. Claims 13-17, 21, and 22 are cancelled. By this amendment, claims 4, 5 and 19 are amended.

Reconsideration is respectfully requested in view of the above amendments and the following remarks. For the Examiner's convenience, Applicants' remarks are presented in the order in which they were raised in the Office Action.

A. Allowed Claims

Applicants appreciate the Examiner's determination that claims 1-4, 6-8, 10-12, 18-20 and 23 are allowed.

B. Amendments after final

Applicants amend claims 4 and 19 to correct inadvertent errors, and claim 5 in response to the Examiner's objection to present the rejected claim 5 in better form for consideration on appeal. Applicants do not believe a new search is necessitated by these amendments and no new matter is added. Entry of these amendments is respectfully requested.

(i) Claim 4 is amended to include hydrogen in the list of possible identities for R¹ which had been inadvertently omitted. No additional search is necessitated by this amendment because claim 4, as amended, specifies "[a] compound according to claim 1 wherein R¹ is hydrogen." In claim 1, hydrogen is listed as an option for R¹. Explicit basis for this amendment is found at page 6, lines 18 to 20 of the specification. Further R¹ is hydrogen in 142 out of the 149 Examples. No new matter is added. Entry of this amendment is respectfully requested.

(ii) Claim 5, which stands rejected, is amended in response to the Examiner's objection by deleting certain limitations that are objected to, as discussed in detail below. The amendment presents the rejected claim in better form for consideration on appeal and its entry is respectfully requested.

(iii) Claim 19, a process claim, is amended to correct a typographical error in which it was listed as dependent on cancelled composition claim 13. The dependency is corrected to depend from process claim 18. No new matter is added. Entry of this amendment is respectfully requested.

C. Claim Rejection Under 35 U.S.C. § 112

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner objects to the last claim choice for NR⁴R⁵ as comprising two rings where claim 1 limits it to "... a 3 to 7-membered ring."

In response, Applicants amend claim 5 to delete the objected to claim choice "diazabicyclo[2.2.1]hept-2-yl" as an optional embodiment for NR⁴R⁵.

Applicants submit that in view of this amendment, claim 5 (as amended) is allowable and respectfully request withdrawal of this ground for rejection.

CONCLUSION

In view of the above amendments and remarks, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Patent Owners request entry of these amendments and request the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 251502007500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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